United Nations CRPD/C/SVK/CO/1

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Slovakia*

I. Introduction

1. The Committee considered the initial report of Slovakia (CRPD/C/SVK/1) at its 242th and 243th meetings (see CRPD/C/SVK/SR.242 and 243), held on 4 and 5 April. It adopted the present concluding observations at its 256th meeting, held on 13 April 2016.

2. The Committee welcomes the initial report of Slovakia, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies (CRPD/C/SVK/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/SVK/Q/1).

3. The Committee appreciates the fruitful dialogue held with the State party's delegation and commends the State party for the strength of its delegation, which included many representatives of relevant government ministries.

II. Positive aspects

4. The Committee notes with appreciation that the State party has adopted an Act on the Commissioner for Persons with Disabilities; has adopted the European Union Charter on the rights of passengers travelling by air, rail, bus, coach and maritime transport; has become a member of the European Agency for Special Needs and Inclusive Education through government resolution No. 682/2011; has adopted Measure No. 17/2015 of the Ministry of the Interior on the fulfilment of tasks and actions in the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; and adopted the National Action Plan for the Prevention and Elimination of Violence against Women 2014-2019 after signing the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. The Committee welcomes the recognition of the paradigm shift required to realize the rights of persons with disabilities in the State party as well as the efforts to adopt a human rights-based approach to disability.

* Adopted by the Committee at its fifteenth session (29 March-21 April 2016).

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III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1-4)

5. The Committee is concerned about the lack of a strategy to promote the rights of persons with disabilities among the Roma people.

6. **The Committee recommends that the State party develop a policy, action plan and indicators to implement the rights of persons with disabilities among the Roma people.**

7. The Committee is concerned that progress on the national programme for the development of the living conditions of persons with disabilities towards the implementation of the Convention is unclear and too slow.

8. **The Committee recommends that the State party develop goals, targets, indicators and a timeline for the above-mentioned programme, and ensure stakeholder involvement in its expected outcomes.**

9. The Committee is concerned at the absence of frameworks for meaningful participation of persons with disabilities through their representative organizations with respect to the development and implementation of legislation and policies concerning persons with disabilities.

10. **The Committee recommends that the State party ensure the full participation of persons with disabilities through their representative organizations in the development and implementation of disability-relevant legislation and policies, paying particular attention to women, girls, boys and the Roma population with disabilities.**

11. The Committee is concerned that the medical approach to disability is still used in assessments and provisions addressing persons with disabilities, and is also concerned about the lack of understanding of the rights of persons with disabilities among professionals.

12. **The Committee recommends that the State party adopt a human rights-based definition of disability in the regulations relating to the assessment of disability. The Committee also recommends that the State party provide policymakers and professionals with training and raise awareness among them on the rights of persons with disabilities, in line with the Convention.**

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

13. The Committee is concerned that legislation that prohibits disability-based discrimination has not been extended beyond the employment sector.

14. **The Committee recommends that the State party enact disability-based anti-discrimination legislation in all sectors, and provide training and guidance for the public and private sectors.**

15. The Committee is concerned that reasonable accommodation has been misinterpreted as a temporary special measure and that there is a lack of an explicit definition of reasonable accommodation in legislation. The Committee is concerned that the denial of reasonable accommodation as disability-based discrimination is not recognized in law.

16. **The Committee recommends that the State party amend section 2a (1) of the Anti-Discrimination Act to include denial of reasonable accommodation as disability-based discrimination; and to introduce specific provisions in relation to sanctions for non-compliance.**

17. The Committee is concerned that the law does not recognize multiple and intersectional discrimination, especially against women and girls with disabilities and members of ethnic minorities with disabilities, especially Roma people.

18. **The Committee recommends that the State party amend section 2a (1) of the Anti-Discrimination Act to include intersectional and multiple discrimination as a form of discrimination, and definitions of the term, and adopt legal remedies and sanctions to reflect the aggravated nature of violations arising from multiple and intersectional discrimination.**

19. The Committee is concerned about the lack of awareness of the public and private sectors about multiple discrimination and the obligation to provide reasonable accommodation.

20. **The Committee recommends that the State party provide the public and private sectors with mandatory training on multiple discrimination and legal obligations to provide reasonable accommodation in all sectors.**

Women with disabilities (art. 6)

21. The Committee is concerned that legislation and policies on gender equality are not disability-inclusive and that legislation and policies on disability rights are not gender-sensitive. It is also concerned that the State party does not have specific policies for women with disabilities and that they are not consulted on matters that affect them directly.

22. **The Committee recommends that the State party mainstream disability in all legislation and policies on gender equality, and that gender is mainstreamed in all legislation and policies on disability rights. It also recommends that the State party establish specific policies regarding women with disabilities in close consultation with them through their representative organizations.**

Children with disabilities (art. 7)

23. The Committee is deeply concerned about the number of children with disabilities living in institutions, especially those with intellectual disabilities.

24. **The Committee urges the State party to prevent any new placement of children with disabilities in institutions, and to introduce an action plan with a clear timetable for its implementation and budget allocations to ensure the full deinstitutionalization of children with disabilities from all residential services and their transition from institutions into the community.**

25. The Committee is concerned that there is a significant lack of early intervention and early diagnosis services in the health, social and educational areas and that financial support for families with children with disabilities requiring early intervention is insufficient.

26. **The Committee recommends that the State party develop a holistic and comprehensive network of health and social care services for the early diagnosis and intervention for children with disabilities, in close consultation with their representative organizations, and increase financial support for their families using public resources.**

Awareness-raising (art. 8)

27. The Committee is concerned that the State party has not taken sufficient action to combat disability and gender stereotypes.

28. **The Committee recommends that the State party develop all measures available, in consultation with organizations of persons with disabilities, to raise awareness of the rights and dignity of persons with disabilities, in order to foster respect for them and combat disability and gender stereotypes in all areas of life.**

Accessibility (art. 9)

29. The Committee is concerned that national legislation does not provide for the monitoring of compliance to guarantee accessibility to buildings or transport.

30. **The Committee recommends that the State party implement policies, guidelines and training, along with sanctions for non-compliance, in relation to accessibility, universal design, procurement and construction, especially with regard to the proposed new building act, in line with general comment No. 2 (2014) on accessibility.**

31. The Committee is concerned about the lack of accessibility to public information and communication, including in relation to transport.

32. **The Committee recommends that the State party make provision for public signs in Braille and easy-to-read formats, and live assistance, intermediaries, guides, readers, accessible information kiosks, ticket vending machines, websites, mobile applications and professional sign language interpreters to facilitate accessibility to buildings, transport and other facilities open to the public.**

33. **The Committee further recommends that the State party pay attention to the links between article 9 of the Convention and targets 11.2 and 11.7 of the Sustainable Development Goals.**

Situations of risk and humanitarian emergencies (art. 11)

34. The Committee is concerned that public broadcasting of warnings about natural disasters and emergencies is inaccessible.

35. **The Committee recommends that the State party make available early warning systems in all formats, especially sign language and text messages (or other equivalent mobile applications) to ensure persons with disabilities can prepare and respond to emergency situations.**

36. The Committee is concerned about the situation of refugees and asylum seekers with disabilities seeking admission to the State party and the fact that those who are detained are not provided with appropriate support and reasonable accommodation.

37. **The Committee recommends that the State party mainstream disability in its refugee policies and that any detention of persons with disabilities in the context of asylum seeking is provided in line with the Convention.**

Equal recognition before the law (art. 12)

38. The Committee is concerned that, despite recent legal and procedural reforms, all persons with disabilities are not given equal recognition before the law and are denied the right to vote, the right to marry and found a family, enjoy property and to retain fertility.

39. **The Committee recommends that the State party repeal section 10 (1) of the Civil Code, which provides for deprivation of legal capacity, and section 10 (2) of the Civil Code, which provides for restriction of legal capacity, and to introduce**

supported decision-making which respects the autonomy, will and preferences of the individual.

Access to justice (art. 13)

40. The Committee is concerned about the lack of procedural accommodation and reasonable accommodation in the justice and law enforcement sector, especially with regard to persons with intellectual disabilities.

41. **The Committee recommends that the State party amend procedural rules to ensure that persons with intellectual disabilities are provided with procedural accommodation from the outset. It also recommends that the State party make legal aid available to persons with disabilities so that they have access to justice on an equal basis with others.**

42. **The Committee further recommends that the State party provide mandatory training to all personnel in the justice, administration and law enforcement sectors on:**

(a) **The rights enshrined in the Convention, including participation on an equal basis with others regardless of legal capacity status;**

(b) **Procedural accommodation in the legal process;**

(c) **Reasonable accommodation;**

(d) **The combating of harmful gender and disability stereotypes.**

Liberty and security of the person (art. 14)

43. The Committee is concerned about legislation that allows for the deprivation of liberty of persons with disabilities on the basis of their impairment. It is also concerned about the situation experienced by persons with intellectual and psychosocial disabilities who appear to be involved in the commission of crimes.

44. **The Committee recommends that the State party repeal provisions allowing for involuntary hospitalization under the Health Care Act and imposition of institutional forensic treatment under the Criminal Code. It also recommends that the State party apply the rules of due process to all persons with disabilities, according to the Committee's guidelines on the right to liberty and security of persons with disabilities.**

Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)

45. The Committee is deeply concerned about inhuman or degrading treatment through the use of physical, mechanical and chemical restraints, and the use of isolation and seclusion for persons with psychosocial disabilities.

46. **The Committee recommends that the State party immediately discontinue these practices and reform laws and policies which allow for such practices to take place.**

Freedom from exploitation, violence and abuse (art. 16)

47. The Committee is concerned that measures to protect persons with disabilities from violence both within and outside the home are insufficient.

48. **The Committee recommends that the State party ensure that legislation and policies on the protection of persons from violence incorporate specific references to persons with disabilities, including accessible reporting, victim support services and complaints mechanisms, and specialized training for the police, judges and prosecutors. It also recommends that the State party ensure that due diligence is**

applied in all cases of violence and abuse of persons with disabilities, particularly women, girls, boys and older persons.

Protecting the integrity of the person (art. 17)

49. The Committee is concerned that persons with disabilities are subjected to involuntary commitment and treatment procedures without their free and informed consent.

50. **The Committee recommends that the State party amend legislation and policies to ensure that all persons with disabilities provide their free and informed consent to admission procedures and all forms of treatment.**

51. The Committee is concerned that the Health Care Act authorizes guardians to make decisions for women, whose legal capacity has been restricted, on their sterilization and use of contraception. The Committee is also concerned about the lack of investigations and provisions of redress for cases of forced sterilization.

52. **The Committee recommends that the State party abolish all forms of guardianship and replace them with supported decision-making regimes, as well as investigate and provide redress for historical cases of forced sterilization, including for Roma women with disabilities.**

Liberty of movement and nationality (art. 18)

53. The Committee notes with deep concern the precarious situation of persons with disabilities in the current migrant crisis on the national borders of the State party. The Committee is concerned that the migration decision-making procedures are not accessible for all persons with disabilities and that information and communication are not provided in accessible formats.

54. **The Committee recommends that the State party mainstream disability in all its migration policies. It also recommends that persons with disabilities are permitted free movement across the State party borders on an equal basis with others.**

Living independently and being included in the community (art. 19)

55. The Committee is deeply concerned by the high number of institutionalized persons with disabilities, in particular women with disabilities; that progress on the deinstitutionalization process is too slow and partial; about the ongoing investments from government budgets in institutions; and the lack of provision of full support for persons with disabilities to live independently in their communities.

56. **The Committee recommends that the State party provide and implement a timetable to ensure that the implementation of the deinstitutionalization process is expedited, including by putting in place specific additional measures to ensure that community-based services are strengthened for all persons with disabilities, in particular women with disabilities and older persons with disabilities. Furthermore, the State party should ensure that the use of European structural and investment funds complies with article 19 and that new follow-up national action plans on the transition from institutional settings to community-based support are initiated with the comprehensive involvement of organizations of persons with disabilities and civil society organizations, including in the area of monitoring. The Committee also recommends that the State party no longer allocate resources from the national budget to institutions and that it reallocate resources into community-based services in accordance with the investment priorities of the European Regional Development Fund (art. 5.9 (a) of European Union regulation No. 1303/2013).**

57. The Committee is concerned at the geographic variation and unequal financial support of community-based social services and home-care services for persons with disabilities, including older persons, and at the slow rate of the remuneration process on behalf of the State party.

58. **The Committee recommends that the State party ensure the equal distribution of resources for social care, with an emphasis on community-based services. The Committee also recommends that the State party ensure that community-based social services and home-care services are available in all geographic regions and rural areas, and that funds are allocated to persons with disabilities who require them, especially those who are unemployed or in low-wage employment.**

Personal mobility (art. 20)

59. The Committee is concerned about the insufficient affordability of aids and adaptations and the difficulties encountered in the process of granting allowances to receive assistive devices, in particular for people with complex physical disabilities.

60. **The Committee recommends that all aids, adaptations and assistive devices be available, affordable and of good quality for all persons with disabilities, in particular for people with complex physical disabilities.**

Freedom of expression and opinion, and access to information (art. 21)

61. The Committee is concerned about the lack of registered sign language interpreters and the lack of sign language interpretation on public television, in courts of justice and in public services such as education, health and social care.

62. **The Committee recommends that the State party significantly increase the numbers of trained sign language interpreters to provide services in public broadcasting, courts of law, and other public areas.**

63. The Committee is concerned that a national Braille authority has not yet been established to guarantee the existence of a standardized unified Braille code needed for extensive enhancement of its use in education, employment and information and communications technology applications.

64. **The Committee recommends that the State party encourage the establishment of a Slovak national Braille authority and ensure the creation of a standardized Slovak Braille code.**

Respect for home and the family (art. 23)

65. The Committee is deeply concerned that section 12 of the Family Act restricts the right to marriage of persons with intellectual and psychosocial disabilities. The Committee is also concerned about the lack of provision of support to children with disabilities to remain in the family and of means to avoid their placement in institutions, and the lack of measures to support parents with disabilities.

66. **The Committee recommends that the State party repeal section 12 of the Family Act; provide adequate support for children with disabilities to reside in the family; and provide support to parents with disabilities to retain full parental responsibility for their children.**

Education (art. 24)

67. The Committee is concerned that the right to inclusive education for all children and students with disabilities is not available, and about the persistence of a segregated

education system. Further, the Committee is concerned at the lack of measures to implement an inclusive education system and the ongoing placement of Roma children in segregated schools for children with disabilities.

68. **The Committee recommends that the State party pay attention to the links between article 24 of the Convention and targets 4.5 and 4 (a) of the Sustainable Development Goals. The Committee also recommends that the State party:**

(a) **Introduce an enforceable right to inclusive and quality education in the Education Act, including by defining inclusive education in accordance with the Incheon Declaration on education 2030: towards inclusive and equitable quality education and lifelong learning for all of the United Nations Educational, Scientific and Cultural Organization, and Sustainable Development Goal No. 4;**

(b) **Adopt a legally binding plan for the transition from segregated schools into inclusive education at all levels, including by setting timelines, identifying responsible authorities, and allocating adequate resources;**

(c) **Ensure that all children with disabilities who so require have access to personal assistance and allocate resources for this purpose;**

(d) **Ensure available, accessible and inclusive preschool education for all children with disabilities;**

(e) **Put an end to the process of placing Roma children in segregated schools for children with disabilities on the basis of their ethnic background.**

Health (art. 25)

69. The Committee is concerned about discrimination in access to health-care services, in particular sexual and reproductive health services, and the restrictions to the exercise of free and informed consent to treatment, especially for persons with intellectual disabilities.

70. **The Committee recommends that the State party remove physical, information and communication barriers to gaining access to health-care services, and that medical services and treatment be provided on the basis of the free, prior and informed consent of all persons with disabilities. Furthermore, the Committee recommends that the State party provide training for all health and social care personnel on the rights enshrined in the Convention.**

Habilitation and rehabilitation (art. 26)

71. The Committee is concerned about the low quality and availability of State-funded rehabilitation.

72. **The Committee recommends that the State party guarantee, in consultation with organizations of persons with disabilities, the quality and availability of all rehabilitation services and the introduction of mechanisms to monitor compliance with the Convention.**

Work and employment (art. 27)

73. The Committee is concerned about the large number of persons with disabilities employed in sheltered workshops and the lack of efficient measures taken to encourage employment in the open labour market.

74. **The Committee recommends that the State party step up efforts on the transition from sheltered workshops to an open labour market for all. The process must include an action plan, timetable, budget and training for public and private**

sector employers, including on the provision of reasonable accommodation. The Committee also recommends that the State party pay attention to the links between article 27 of the Convention and target 8.5 of the Sustainable Development Goals.

Adequate standard of living and social protection (art. 28)

75. The Committee notes with deep concern the numbers of persons with disabilities living below the poverty line, including Roma and ethnic minority families who have a family member with a disability.

76. **The Committee recommends that the State party provide an adequate standard of living to persons with disabilities, including those from an ethnic minority background and those over the age of 65, and ensure that social protection schemes are regularly monitored to track the alleviation of poverty. The Committee also recommends that the State party pay attention to the links between article 28 of the Convention and target 10.2 of the Sustainable Development Goals.**

Participation in political and public life (art. 29)

77. The Committee notes with deep concern that all citizens with disabilities are not able to fully exercise their right to vote and stand for election.

78. **The Committee recommends that the State party repeal sections 4 (c) and 6 (c) of the Elections Act and provide for an accessible electoral system to enable all persons with disabilities to exercise their right to vote, including by electronic means, and their right to stand for election.**

Participation in cultural life, recreation, leisure and sport (art. 30)

79. The Committee is concerned that the State party has not ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

80. **The Committee recommends that the State party ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.**

81. The Committee is concerned about the lack of accessibility of libraries for all persons with disabilities, including those with intellectual disabilities.

82. **The Committee recommends that the State party ensure that public libraries increase their accessibility and stock of easy-to-read, digital, audio and Braille publications.**

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

83. The Committee is concerned about the absence of systematic data collection disaggregated by disability, sex and age across all sectors. Furthermore, the Committee is concerned at the lack of coordinated research about the lives of persons with disabilities and their families.

84. **The Committee recommends that the State party pay attention to the links between article 31 of the Convention and target 17.18 of the Sustainable Development Goals to increase significantly the availability of high-quality, timely and reliable data disaggregated by, inter alia, sex, age and disability, and coordinate research to obtain**

a full understanding of the lives of persons with disabilities, the barriers they face and the solutions required to enable their full participation in society.

International cooperation (art. 32)

85. The Committee is concerned about the lack of mainstreaming of disability rights as enshrined in the Convention in the national implementation and monitoring of the 2030 Agenda for Sustainable Development.

86. **The Committee recommends that the State party ensure that disability rights, as enshrined in the Convention, are mainstreamed in the national implementation and monitoring of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, and these processes are undertaken in close cooperation and involvement with organizations of persons with disabilities**

National implementation and monitoring (art. 33)

87. The Committee notes with concern: (a) the limited capacity of the focal points and coordination mechanism; and (b) the absence of involvement and participation of organizations of persons with disabilities in monitoring the implementation of the Convention.

88. **The Committee recommends that the State party build up the capacity of focal points and coordination mechanisms to perform their duties in accordance with article 33 (1) of the Convention and provide support for the mandatory participation of organizations of persons with disabilities in the monitoring of the implementation of the Convention.**

IV. Follow-up

Dissemination of information

89. The Committee requests the State party to provide information, within 12 months of the adoption of the present concluding observations and in accordance with article 35 (2) of the Convention on the measures taken to implement the Committee's recommendations contained in paragraphs 42 (access to justice) and 88 (national implementation and monitoring).

90. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, the judiciary and members of relevant professional groups, such as education, medical and legal professionals, as well as to local authorities and the media, using modern social communication strategies.

91. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

92. The Committee requests that the State party disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, and to make them available on the government website on human rights.

Next periodic report

93. The Committee requests the State party to submit its combined second and third periodic reports by 26 June 2020 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of the State party to such a list of issues constitute its report.